



CHAPTER cviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Mansfield Water, Mid-Sussex Water, Wimborne Minster Water, and Worksop Water. A.D. 1888.
[24th July 1888.]

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Water Orders Confirmation (No. 2) Act, 1888. Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall from and after the passing of this Act, have full validity and effect. Confirmation
of Orders in
schedule.

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders, without the consent Special pro-
vision as to
houses of
[Price 2s.] A 1

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labouring
class.

of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which after the passing of this Act have been, or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

SCHEDULE OF ORDERS.

MANSFIELD WATER.—Order empowering the Mansfield Water Company to raise additional capital.

MID-SUSSEX WATER.—Order empowering the Mid-Sussex Water Company, Limited, to construct and maintain waterworks and to supply water within the parishes of Balcombe, Ardingley, and Wivelsfield, and parts of the parishes and districts of Cuckfield, Hayward's Heath, and Lindfield, all in the county of Sussex.

WIMBORNE MINSTER WATER.—Order empowering the Wimborne Minster Waterworks Company, Limited, to construct and maintain waterworks and supply water in the parish of Wimborne Minster in the county of Dorset.

WORKSOP WATER.—Order empowering the Worksop Waterworks Company to raise additional capital.

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Order empowering the Mansfield Water Company to raise additional Capital.

1. This Order may be cited as "The Mansfield Water Order 1888." Short title.
 2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of Order.
 3. The Mansfield Water Act 1870 (in this Order referred to as "the Act of 1870") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction
of Order.
 4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):—
 - The distribution of the capital of the Company into shares ;
 - The transfer or transmission of shares ;
 - The payment of subscriptions and the means of enforcing payment of calls ;
 - The forfeiture of shares for non-payment of calls ;
 - The remedies of creditors of the Company against the shareholders ;
 - The borrowing of money by the Company on mortgage or bond ;
 - The conversion of the borrowed money into capital ;
 - The consolidation of the shares into stock ;
 - The general meetings of the Company and the exercise of the right of voting by the shareholders ;
 - The making of dividends ;
 - The giving of notices ; and
 - The provision to be made for affording access to the special Act by all parties interested ;Incorporation
of Acts.
- and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are except where expressly varied by this Order incorporated with and form part of this Order.
- For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

5. The Mansfield Water Company incorporated by the Act of 1870 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

Additional Capital.

6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1870 they may from time to time— Additional
capital.

1. Raise any further sums not exceeding in the whole four thousand pounds by the issue of new ordinary or preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital") but the Undertakers shall not

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issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof as herein-after provided has been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of four thousand pounds ; and

2. Borrow on mortgage from time to time in respect of the additional capital of four thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock any sum or sums not exceeding in the whole one fourth part of the amount payable in respect of such additional capital at the time actually issued including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until shares or stock for so much of the additional capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premium (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

7. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order unless in either case all dividends upon such shares or stock whether ordinary or preference are limited to a rate not exceeding five pounds per centum per annum.

Receipt clause in case of person not sui juris.

8. If any money be payable to a shareholder being a minor idiot or lunatic the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

9. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same power provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part of the original capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to be offered by auction or tender.

10. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holders of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to

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such conditions of sale as the Undertakers may from time to time determine
 Provided that at any such sale no single lot shall comprise more than one
 hundred pounds nominal value of shares or stock and that the reserve price put
 upon such shares or stock shall not be less than the nominal amount thereof and
 notice of the amount of such reserve price shall be sent by the Undertakers
 in a sealed letter to the Board of Trade not less than twenty-four hours before
 the day of auction or the last day for the reception of tenders as the case may be
 and such letter may be opened after such day of auction or last day for the
 reception of tenders and not sooner and provided that no priority of tender shall
 be allowed to any holder of shares or stock of the Undertakers.

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11. When the amount bidden or tendered by the proprietor of any share or
 stock of the Undertakers for any share or stock offered for sale by auction or
 tender under the provisions of this Order is equal to the highest amount bidden
 or tendered for such last-mentioned share or stock by any person not being a
 proprietor then and in every such case such proprietor shall be declared to be the
 purchaser of and entitled to such share or stock.

When pro-
 prietor tenders
 same amount
 as other per-
 son proprietor
 to be declared
 the purchaser.

12. It shall be one of the conditions of any sale of shares or stock under this
 Order that the whole nominal amount thereof together with any premium given
 by any purchaser at such sale in respect thereof shall be paid to the Undertakers
 within three months after such sale.

Purchase-
 money of
 capital sold by
 auction to be
 paid within
 three months.

13. The intention to sell any shares or stock by auction or tender under the
 provisions of this Order shall be communicated by the Undertakers in writing to
 the clerk of every local authority having jurisdiction within the limits of supply
 and to the secretary of the Committee of the London Stock Exchange at least
 twenty-eight days before the day of auction or the last day for the reception of
 tenders as the case may be and notice of such intention shall be duly advertised
 by the Undertakers once in each of two consecutive weeks in one or more
 newspapers circulating within the limits of supply.

As to notice
 to be given as
 to sale &c. of
 shares and
 stock.

14. When any shares or stock have been offered for sale by auction or tender
 under the provisions of this Order and not sold the same shall be offered at the
 reserve price put upon the same respectively for the purpose of sale by auction
 or tender to the holders of the ordinary shares or ordinary stock of the Under-
 takers in the manner provided by the Companies Clauses Act 1863 Provided
 that any shares or stock so offered and not accepted within the time prescribed
 by the said Act shall again be offered for sale by public auction or tender in the
 manner and subject to the provisions of this Order with respect to the sale of
 shares and stock created under the powers of this Order.

Shares or stock
 not sold by
 auction or by
 tender to be
 offered to
 shareholders.

15. Any sum of money which may arise from the issue of any shares or stock
 under the provisions of this Order by way of premium after deducting therefrom
 the expenses of and incident to such issue shall not be considered as profits of the
 Undertakers but shall be expended in extending or improving the works of
 the Undertakers or in paying off money borrowed or owing on mortgage by
 the Undertakers and shall not be considered as part of the capital of the
 Undertakers entitled to dividend.

Application of
 premium
 arising on sale
 of shares or
 stock.

16. The Undertakers shall not in any year make out of their profits any
 larger dividend on the additional capital by this Order authorised than seven
 pounds in respect of every one hundred pounds actually paid up of such capital

Limits of
 dividend on
 additional
 capital.

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A.D. 1888. as may be issued as ordinary capital or six pounds in respect of every one
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Dividends on
different classes
of shares to be
paid rateably.

17. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital and additional capital of the Undertakers a proportionate deduction shall be made in the dividend of each such class.

Powers to
create debenture stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act or Order previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or Order or under this Order or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing
mortgages
to have
priority.

19. All mortgages granted by the Undertakers under the authority of the Act of 1870 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Act have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Limit of
interest on
moneys borrowed.

20. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Appointment
of a receiver.

21. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Application
of money.

22. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1870.

Costs of Order.

23. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

MID-SUSSEX WATER.

A.D. 1888.

Mid-Sussex.

Order empowering the Mid-Sussex Water Company, Limited, to construct and maintain Waterworks, and to supply Water within the Parishes of Balcombe, Ardingley and Wivelsfield, and parts of the Parishes and Districts of Cuckfield, Hayward's Heath and Lindfield, all in the County of Sussex.

1. This Order may be cited as "The Mid-Sussex Water Order, 1888."

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as the "commencement of this Order."

Commence-
ment of
Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands, otherwise than by agreement, and with respect to the entry upon lands by the promoters of the Undertaking) and of the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order.

Incorporation
of Acts.

4. The several words, terms and expressions to which by the Acts wholly or partially incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings: Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute; and

Interpretation.

In this Order the expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the several parishes and parts of parishes hereinafter described, namely:—the whole of the several parishes of Balcombe, Ardingley, and Wivelsfield, the whole of the parish of Cuckfield with the exception of that portion which lies to the south of a line commencing near Copyhold Farm at the junction of a brook flowing from Highbridge Mill with the boundary between the detached portion of the parish of Clayton and the said parish of Cuckfield, thence proceeding in a westerly, northerly and westerly direction along the said brook to the High Bridge, in the road leading from Cuckfield to Cowfold, thence along the south-eastern side of the said road in a south-westerly direction to the junction of the said road with Pickwell Lane, or a road leading to Pickwell Lane, thence in a north-westerly direction along the south-western side of the said road leading to Pickwell Lane or Pickwell Lane and Pickwell Lane to the point at the northern end of Raggets Wood where the boundary between the said parish of Cuckfield and the parish of Bolney meets the said road: the whole of the parish of Lindfield with the exception of that portion which lies to the south and east

Limits of
Order.

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Mid-Sussex. between the parish of Lindfield and the parish of Wivelsfield where the said boundary meets Slugwash Lane or a road leading to Slugwash Lane, thence proceeding in a north-easterly direction along the south side of a road leading from Hayward's Heath to Scayneshill to the junction of the said road with Bedales Hill, thence in a northerly and north-easterly direction along the east side of the said Bedales Hill and the road leading from the said Bedales Hill along the south-east side of Walstead Common to and over East Mascalls Bridge to Montes Hill to the junction of the said Montes Hill with Monteswood Lane, thence along the south side of the said Monteswood Lane to the point at Wildboar Bridge over the Cockhaise Brook where the boundary between the said parish of Lindfield and the parish of Horsted Keynes crosses the said road; and so much of the local board districts of Cuckfield, Hayward's Heath and Lindfield as are included in the above limits, all respectively situate in the county of Sussex.

Undertakers.

Undertakers. 6. The Mid-Sussex Water Company Limited shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

Capital. 7. The share capital of the Undertakers shall not, for the purposes of the water undertaking, exceed thirty-five thousand pounds, unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Borrowing powers. 8. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the water undertaking, shall not at any time exceed in the whole one-fourth of the nominal value of their paid-up capital for the time being, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order, and secured as aforesaid.

Lands.

Power to acquire lands. 9. The Undertakers may by agreement purchase, take on lease, acquire, and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking, and they may by agreement from time to time purchase or take on lease and use any other lands, and any easements, rights or privileges in, over or affecting any lands which they may require for such purposes: Provided that they shall not at any time hold for such purposes more than three acres of land in the whole.

Persons under disability may grant easements. 10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right or privilege (not being an easement of water) in, over or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights or privileges as aforesaid.

Construction of Waterworks.

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Power to
construct
waterworks
and supply
water.

11. The Undertakers may, on the lands shown on the deposited plans, when they have acquired and while they are possessed of the same make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections, the works hereinafter described, with all needful tanks, pipes, culverts, embankments, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith necessary for the supply of water, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order will be wholly situate in the county of Sussex, and are as follows:—

- (1.) A well and pumping station, with pumping engines, engine and boiler houses, and other works, buildings and conveniences, to be situate at and upon a piece or parcel of land in the south-western corner of a piece of land belonging or reputed to belong to and in the occupation of R. C. Nichols, and bounded on the north and east by other land belonging or reputed to belong to the said R. C. Nichols; on the south by the road leading from Handcross to Balcombe, and by other land belonging or reputed to belong to the said R. C. Nichols; and on the west by land belonging or reputed to belong to and in the occupation of Finlay Campbell; all in the parish of Balcombe, in the county of Sussex;
- (2.) A service reservoir to be situate upon the said piece or parcel of ground firstly before described;
- (3.) A main conduit or line of pipes, No. 1, commencing at the well and pumping station firstly before described, and terminating at the service reservoir secondly before described, and being wholly upon the said piece or parcel of ground before described;
- (4.) A main pipe, conduit, or line of pipes, No. 2, commencing at the service reservoir secondly before described, and passing on to, along, and under the road from Handcross to Balcombe in an easterly direction, on, to and over the Red Bridge crossing the London, Brighton and South Coast Railway to the junction of the said road with a road leading from Reigate to Cuckfield; thence in a southerly direction along and under the said road leading to Cuckfield, on, to and over a bridge crossing the London, Brighton and South Coast Railway at Balcombe Station; thence along and under the said road to Cuckfield, all in the parish of Balcombe; thence along and under the said road leading to Cuckfield, on, to and over a bridge crossing the River Ouse; thence along and under the said road leading to Cuckfield to the junction of the said road with a road leading from Slough Green to Cuckfield; thence along and under the said road and High Street, Cuckfield, to a road leading from the said High Street to Haywards Heath; thence along and under the said road leading to Haywards Heath on to and over a bridge or tunnel crossing the London, Brighton and South Coast Railway and Church Road to the junction of the said Church Road with a road leading from Brighton to Croydon; thence along and under the said road leading to Croydon, all in the parish of Cuckfield; thence along and under the said road leading to Croydon, and on to and over Scrace Bridge; thence along and under the said road leading to Croydon or Scrace Bridge

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Lane to the junction of the said road or Scrase Bridge Lane with a road leading to Black Hill; thence along and under the said road leading to Black Hill; Black Hill, the road leading through Lindfield to Town Hill, and Town Hill terminating at a point in Town Hill opposite Spring Cottage; all in the parish of Lindfield, in the county of Sussex;

- (5.) A conduit or line of pipes, No. 3, commencing at a point in line No. 2 opposite the junction of the said Church Road, Cuckfield, with the said road leading from Croydon to Brighton; thence passing in a southerly direction along and under the said road leading from Croydon to Brighton to the junction of the said road with a road leading from Muster Green to Scaynes Hill; thence along and under the said road leading from Muster Green to Scaynes Hill, all in the parish of Cuckfield; thence along and under the said road to the junction of the said road with Colwell Lane; thence along and under the said Colwell Lane to the junction of the said Colwell Lane with the road leading from Croydon to Brighton aforesaid; thence along and under the said road leading to Brighton in a southerly direction to the junction of the said road with a road leading to Tunbridge Wells; thence in a westerly direction along and under the said road leading to Tunbridge Wells, and terminating at a point in the said road opposite the Cock Inn, Wivelsfield Green, all in the parish of Wivelsfield.

Limits of deviation.

12. In constructing the works authorised by this Order, the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, but in no case beyond the width of any road shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or ten feet downwards.

Period for completion of works.

13. The works authorised by this Order shall be commenced, constructed and completed within the time, and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided that, subject to the restrictions and provisions of this Order, the Undertakers may, from time to time, alter, enlarge and extend their engines, machinery, tanks, wells, pipes, and other works in such way and manner as may be requisite or advisable for supplying water, subject to the provisions of this Order.

For the protection of the London, Brighton, and South Coast Railway Company.

14. For the protection of the London, Brighton, and South Coast Railway Company (in this section referred to as "the Railway Company"), the following provisions shall, unless otherwise agreed between the Railway Company and the Undertakers, apply and have effect, viz. :—

- (A) In laying down, repairing, or removing any mains, pipes or conduits, or executing any other works in the exercise of the powers contained in this Order, over, under, or in any way affecting the London, Brighton, and South Coast Railway, or any bridge over that railway, or any approaches to any such bridge within the Railway Company's boundary, the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the Railway Company, and according to such plans, sections and specifications, and except in case of urgent necessity, at such times as shall be previously submitted to and as shall be reasonably approved in writing by him, and shall be executed by and at the expense, in all things, of the Undertakers, and so as not to cause any injury to the said railway,

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- or to any such bridge, or the approaches thereto, within the Railway Company's boundary, and shall, within such boundary, so execute any works as, having regard to the existing level of the roadway, shall interfere with or impede as little as possible any improvement or widening of the said railway or bridges, or the introduction of side openings to such bridges: Provided that if the said engineer does not express his approval or disapproval of the said plans, sections and specifications, within fourteen days after the same have been submitted to him, he shall be deemed to have approved thereof, and if the said engineer shall refuse or neglect to superintend any operation, the Undertakers may execute the work without his superintendence;
- (B) If any injury or damage or any interruption of the Railway Company's traffic arise from bursting or want of repair of any mains or pipes of the Undertakers, the Undertakers shall forthwith make full compensation to the Railway Company in respect thereof;
- (C) All mains, pipes, conduits, and other works of the Undertakers, under, over, or in any way affecting the London, Brighton, and South Coast Railway, or any bridge over the same, or the approaches thereto, within the Railway Company's boundary, shall be at all times maintained in good repair by the Undertakers, and in default of their being so maintained the Railway Company may from time to time, by notice in writing signed by their said engineer, and delivered at the principal office for the time being of the Undertakers, require the Undertakers to forthwith put into good repair any such main, pipe, conduit, or other work as aforesaid as may be in want of repair; and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same, and do not dispute the necessity thereof, the Railway Company may without any further notice to the Undertakers repair the same, and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers: Provided that in case of accidents happening, or immediate danger being apprehended to the London, Brighton, and South Coast Railway, or any bridge over such railway, by reason of any such main, pipe, conduit, or other work as aforesaid being in want of repairs, the Railway Company may, without giving such notice as aforesaid, make such repairs as may be necessary, and the expenses of the same shall be repaid as hereinbefore provided;
- (D) The Undertakers shall bear and on demand pay to the Railway Company all costs of the superintendence by them of the construction of the works and repairs thereof, and all proper costs of watching, lighting, and protection of the London, Brighton, and South Coast Railway, with reference to and during such construction and repairs, so far as such costs may be in case of difference determined by the arbitrator to have been necessary.
- (E) Any difference which may arise between the Railway Company and the Undertakers, touching any of the matters referred to in this section, shall be decided by a single arbitrator, to be appointed on the application of either party by the President for the time being of the Institute of Civil Engineers, and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator;
- (F) Except as is by this Order otherwise provided, this Order or anything herein contained shall not take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, and privileges of the Railway Company.

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As to pipes
crossing the
works of a
railway or
other company.

15. If any difference arise between the Undertakers and any railway, canal or other company other than the London, Brighton, and South Coast Railway Company, whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purpose of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering or enlarging their conduits or pipes, or the facilities to be afforded for the same, such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Water.

Quality of
water.

16. In the construction of section thirty-five of the Waterworks Clauses Act, 1847, for the purposes of this Order, the expression "pure and wholesome water" shall be deemed to mean water as pure and wholesome as, having regard to the source and nature of supply, circumstances will admit, and not containing more than .1 part of iron per 100,000, and not becoming turbid upon exposure for twenty-four hours in an open vessel.

Supply.

Limits of
pressure.

17. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this Order.

Rates for
supply for
domestic
purposes.

18. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one water-closet), furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates hereinafter specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed five pounds, the rate of twopence per week or eight shillings per annum ;

Where such rateable value exceeds five pounds and does not exceed ten pounds, the rate of threepence per week or twelve shillings and sixpence per annum ;

Where such rateable value exceeds ten pounds and does not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds ;

Where such rateable value exceeds twenty pounds and does not exceed forty pounds, at a rate per centum per annum not exceeding six pounds ten shillings ;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds, at a rate per centum per annum not exceeding six pounds ;

Where such rateable value exceeds sixty pounds, at a rate per centum per annum not exceeding five pounds ten shillings :

Provided that in the case of any inn or hotel, whether public or private, so supplied with water, the rateable value of which exceeds fifteen pounds, the Undertakers shall be entitled to demand and take in respect of such supply a rate not exceeding the rate of seven pounds ten shillings per centum per annum upon such value :

Provided also that the Undertakers shall not be entitled in any case to demand a higher water rate for any house or part of a house included in any division of the above scale than they would be entitled to demand if such house

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or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale. A.D. 1888.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues. Mid-Sussex.

19. The Undertakers may charge in respect of every water-closet beyond the first, on any premises within the limits of supply, an additional sum not exceeding five shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum: Provided, that for baths containing, as usually filled for use, a greater quantity of water than fifty gallons, the Undertakers may charge an additional sum in excess of the said sum of ten shillings, increased in proportion to the size of such baths; but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain, when filled for use, more than fifty gallons of water, and such additional sums are to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Rates for
water-closets,
&c.

20. Subject to the provisions of this Order, the Undertakers may, from time to time, make and enforce such reasonable regulations as they may find expedient, and as may be approved by the Local Government Board, for preventing the waste, misuse or contamination of water, and among other things may prescribe the size, nature and strength of the pipes, cocks, cisterns and other apparatus proper and suitable for the purposes of supply: Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford, or are prepared on demand to afford, a constant supply. Power for
Undertakers
to make
regulations
for preventing
waste or
contamina-
tion of water.

21. All such regulations in force for the time being shall be published, by a copy thereof being kept at the office of the Undertakers, which copy shall be open to the inspection of all persons at all reasonable times, without payment, and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy. Publication
of regula-
tions.

22. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid, shall be *primâ facie* evidence in all legal proceedings of the due making, confirmation, publication and existence of such regulations, without further or other proof. Evidence of
regulations.

23. In case of failure of any person to observe any of such regulations as are for the time being in force, the Undertakers may, if they think fit, after forty-eight hours notice in writing, enter, and by and under the direction of their duly authorised officer repair, replace or alter any pipe, cock, cistern or other apparatus, fittings or appliances belonging to or used by such person for the purposes of supply, and not being in accordance with the requirements of such regulations, and the expense of every such repair, replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily. Power for
Undertakers
to repair or
alter pipes,
&c., where
regulations
not complied
with.

24. The Undertakers shall, when required, supply every road authority and every sewer authority within the limits of supply with water for watering roads and streets, and for flushing sewers and drains, or other public purposes, at a Undertakers
to supply
water to
road and

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Mid-Sussex.
sewer autho-
rities.

Power to
supply water
in bulk
within or
without
limits of
supply.

rate not exceeding two shillings for every thousand gallons, but no such authority shall be entitled to such a supply whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order.

25. The Undertakers may, from time to time, by agreement supply any body or person within or without the limits of supply with water in bulk for other than domestic purposes, for such remuneration, and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such body or person, but notwithstanding any such agreement no such body or person shall be entitled to a supply of water under any such agreement whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order, and every such agreement shall, by virtue of this Order, be determinable by the Undertakers on one month's notice in writing: Provided that nothing herein contained shall be construed as conferring any power on the Undertakers in relation to the laying down or placing of any pipe or conduit, or the breaking up of any road or street, or the execution of any work beyond the limits of supply, or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section fifty-two of the Public Health Act, 1875, or any similar provision.

Supply of
water by
measure.

26. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any person within the limits of supply, and may charge a rent for each meter or other instrument for measuring water provided by them, at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Undertakers
to keep meters
in repair.

27. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing, such persons shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to, and be at liberty to remove, test, inspect and replace any such meter or other instrument at all reasonable times.

Register of
meters, &c.
to be evidence.

28. Where water is supplied by measure the register of the meter or other instruments for measuring water shall be *primâ facie* evidence of the quantity of water consumed, and in respect of which any water rate is charged and sought to be recovered by the Undertakers: Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed, such difference shall be determined upon the application of either party by a court of summary jurisdiction, who may also order by which of the parties any costs of the proceedings before them shall be paid, and the decision of such court shall be final and binding on all parties.

Amendment
of 10 & 11
Vict. c. 17.
s. 44.

29. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

30. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling house unless the water rate is paid for the whole of such dwelling house.

A.D. 1888.

Mid-Sussex.
 When several houses supplied by one pipe each to pay.

31. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this Order for a supply of water.

Supply of water to tenements in a row.

Penalties.

32. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured any pipe, meter, or other instrument for measuring water, or any fittings belonging to the Undertakers, or who fraudulently alters the index to any meter or other instrument for measuring water, or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied, or fraudulently abstracts, consumes or uses water of the Undertakers, or commits any breach of any authorised regulation against waste, misuse or contamination of the water supplied by the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured, or suffered to be injured any pipe, meter, instrument or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or other instrument for measuring water, or prevented the same from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration or prevention, or for abstracting, consuming or using water of the Undertakers when such pipe, meter, instrument or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption or user, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such pipe, meter, instrument or fittings.

Injuring meters.

33. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe, who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be taken or used contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.

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Miscellaneous.

Mid-Sussex.
Incoming
tenant not
liable to pay
arrears.

34. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Several
names in one
summons.

35. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof, or in the schedule thereto, several names and several sums.

Warrant of
distress to
include costs.

36. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money; and such costs shall be ascertained by such justice, and shall be included in the warrant of distress for the recovery of such money.

Liability to
water rate
not to
disqualify
justices from
acting.
8 Vict.
c. 16. s. 140,
incorporated.

37. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

38. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers.

Local
authority
may require
houses to be
supplied with
water in
certain cases.

39. Where on the report of the surveyor of any local authority as defined by the Public Health Act, 1875, it appears to such authority that any dwelling-house or part of a dwelling-house within their district, the owner or occupier of which is entitled under the provisions of this Order to demand a supply of water for domestic purposes is without a proper supply for such purposes, the said local authority shall give notice in writing to such owner or occupier requiring him within a time specified therein to obtain such supply and to do all such works as may be necessary for that purpose in manner by this Order authorised. If such notice is not complied with within the time specified the said local authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with the Undertakers, and the water rates may be recovered by the said local authority where they furnish such supply as if they were the Undertakers for the purposes of this Order, and by the Undertakers where they furnish such supply, and in either case as if such owner or occupier had demanded such supply under the provisions of this Order, and any expenses incurred by any local authority in doing any such works may be recovered or dealt with in manner provided by section 62 of the Public Health Act, 1875.

Power to
local autho-
rities to
purchase
undertaking.

40. If any local authority, as defined by the Public Health Act, 1875, whose district or part of whose district is within the limits of supply as defined by this Order, desire at any time after the completion of the works authorised by this Order to purchase the whole or so much of the undertaking, property, rights, powers and privileges of the Undertakers as is situated within and relates to the district or part of the district of such local authority, and obtain the consent to

such purchase of the Local Government Board, and give the Undertakers notice in writing under their common seal of their desire so to purchase, the Undertakers shall, at the expiration of three months from the receipt of such notice, sell and transfer by deed of conveyance duly stamped ; and such local authority may acquire the whole or so much of the undertaking, property, rights, powers and privileges of the Undertakers as aforesaid for such price, and upon such terms and conditions as may be agreed on between the Undertakers and such local authority, or, failing agreement, as may be determined by arbitration in accordance with the provisions as to arbitration of the Public Health Act, 1875.

A.D. 1888.
—
Mid-Sussex.

From and after such sale the undertaking or portion of the undertaking so purchased, and all the property, rights, powers and privileges of the Undertakers in respect thereof shall, subject to any contracts for the supply of water then existing be vested in and held, enjoyed and exercised by such local authority ; and such local authority shall be the Undertakers for the purposes of this Order within such portion of the district included within the limits of supply, in respect of which such sale shall have been effected.

Any purchase of the undertaking or of a portion of the undertaking by a local authority shall be deemed to be made under section fifty-one of the Public Health Act, 1875 ; and any local authority may for the purpose of such purchase exercise all the powers of borrowing which they possess under the said Act, as if such purposes were purposes under the said Act, and all provisions for repayment of money, formation of sinking fund and audit of accounts shall apply as if it were a case of expenditure by the local authority under the said Act.

41. All the costs, charges and expenses of and incidental to the applying for, preparing, obtaining and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of
Order.

WIMBORNE MINSTER WATER.

Order empowering the Wimborne Minster Waterworks Company Limited to construct and maintain Waterworks and supply Water in the Parish of Wimborne Minster in the County of Dorset.

*Wimborne
Minster.*

Preliminary.

1. This Order may be cited as "The Wimborne Minster Water Order 1888." Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order." Commence-
ment of
Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Waterworks Clauses Acts 1847 and 1863 are except where the same are expressly varied by this Order hereby incorporated with and form part of this Order. Incorporation
of Acts.

4. The several words terms and expressions to which by any Acts wholly or partially incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings : Interpretation.

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A.D. 1888.

—
*Wimborne
Minster.*

Provided that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute and

In this Order—

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

Limits of
Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be such part of the parish of Wimborne Minster in the county of Dorset as is included within the following boundaries that is to say :—

Commencing at the boundary fence of the London and South-Western Railway Company's premises at the east side of Leigh Arch continuing thence along that fence in a southerly direction to the River Stour thence along the northern bank thereof in a westerly direction to the junction of the River Allen and continuing by the east bank thereof to the point where the said river takes a bend to the north and continuing in the same direction across the said river along the southern fence of the lands numbered 344 280 331 328 327 on the tithe map of the parish of Wimborne Minster in the county of Dorset to the River Stour thence along the banks thereof in a northerly direction to the western boundary fence of the field numbered 2170 on the tithe map aforesaid thence following that fence to the road leading to Chain Gate thence following the line of the said road to Chain Gate to and along the Cemetery Road to the south-west angle of the field numbered 111 on the tithe map aforesaid continuing along the western and northern fences thereof to Walford Mill and following the western and northern boundaries of the same across the River Allen to the north-westerly fence of the field numbered 115 on the said tithe map along such fence to its junction with the main road and continuing to follow the said road in an easterly direction to the junction of the road leading to Colehill thence following this last-mentioned road to the old lane which branches off to the south between the fields numbered 553 and 554 on the said tithe map continuing up this lane and on in a southerly direction along the road leading over the railway to Leigh Road and thence in a westerly direction along that road to the fence on the east side of Leigh Arch first named all in the parish of Wimborne Minster in the county of Dorset. Where roads are boundaries the limits include both sides thereof.

Undertakers.

Undertakers.

6. The Wimborne Minster Waterworks Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the water undertaking exceed eight thousand pounds divided into eight hundred shares of ten pounds each unless any increase thereto be hereafter authorised for such purposes by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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8. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the water undertaking shall not at any time exceed in the whole two thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

A.D. 1888.

*Wimborne
Minster.*

Limit of
borrowing
power.

Lands.

9. The Undertakers may by agreement purchase take on lease acquire and use such of the lands shown on the deposited plans as they may require for the purposes of the water undertaking and they may by agreement from time to time purchase or take on lease and use any other lands and any easements rights or privileges in over or affecting any lands which they may require for such purposes. Provided that they shall not at any time hold for such purposes more than four acres of land in the whole.

Power to
acquire
lands.

10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of the said Acts grant to the Undertakers any easement right or privilege (not being an easement of water) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Persons
under disability
may grant
easements, &c.
to Undertakers.

Construction of Waterworks.

11. The Undertakers may on the lands shown on the deposited plans when they have acquired and while they are possessed of the same make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the works herein-after described with all necessary approaches fences embankments excavations mains pipes tanks sluices culverts dams weirs outfalls valves wells pumps and other works conveniences and appliances for the supply of water and they may subject to the provisions of this Order supply and sell water within the limits of supply.

Power to
construct
waterworks
and to supply
water.

The works authorised by the Order are as follows :—

A well and pumping station to be situate in the fields numbered 522 525 526 527 on the tithe map of the parish of Wimborne Minster lying between and partly abutting on the road leading from Walford Bridge to Walford Farm and the River Allen near to Walford Mill all the said fields being reputed to belong to the trustees under the marriage settlement of Vincent Henry Penalver Caillard and Eliza Frances his wife and in the occupation of William Coakes.

A service reservoir to be situate in a field numbered 466 on the tithe map aforesaid abutting on the east side of the road leading from Colehill to Wimborne reputed to belong to Captain Phelps Brooke Hanham and in the occupation of William Munckton.

An aqueduct conduit or line of pipes commencing from and out of the well and pumping station aforesaid passing thence to and terminating at the service reservoir in the field numbered 466 as aforesaid.

12. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans but in no case beyond the width of any road shown on the

Limits of
deviation.

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A.D. 1888. deposited plans and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Wimborne
Minster.

Period for
completion
of works.

13. The works authorised by this Order shall be commenced constructed and completed within the time and subject to the conditions prescribed by section 11 of the Gas and Water Works Facilities Act 1870. Provided that subject to the restrictions and provisions of this Order the Undertakers may from time to time alter enlarge and extend their engines machinery tanks wells pipes reservoirs and other works in such way and manner as may be requisite or advisable for supplying water subject to the provisions of this Order.

For the
protection
of the
London and
South-Western
Railway
Company.

14. For the protection of the London and South-Western Railway Company (in this section referred to as "the Railway Company") the following provisions shall unless otherwise agreed between the Railway Company and the Undertakers apply and have effect viz.:—

- (a.) In laying down repairing or removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Order over under or in any way affecting the South-Western Railway or any bridge over that railway or any approaches to any such bridge within the Railway Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the Railway Company and according to such plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and as shall be reasonably approved in writing by him and shall be executed by and at the expense in all things of the Undertakers and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto within the Railway Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the roadway shall interfere with or impede as little as possible any improvement or widening of the said railway or bridges or the introduction of side openings to such bridges. Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within 14 days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Undertakers may execute the work without his superintendence.
- (b.) If any injury or damage or any interruption of the Railway Company's traffic shall be in any way occasioned by the Undertakers or their contractors agents or workmen or arise from bursting or want of repair of any mains or pipes of the Undertakers the Undertakers shall forthwith make full compensation to the Railway Company in respect thereof.
- (c.) All mains pipes conduits and other works of the Undertakers under over or in any way affecting the South-Western Railway or any bridge over the same or the approaches thereto within the Railway Company's boundary shall be at all times maintained in good repair by the Undertakers and in default of their being so maintained the Railway Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Undertakers require the Undertakers to forthwith put into good repair any such main pipe conduit

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or other work as aforesaid as may be in want of repair and if the Undertakers for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the Railway Company may without any further notice to the Undertakers repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Undertakers. Provided that in case of accidents happening or immediate danger being apprehended to the South-Western Railway or any bridge over such railway by reason of any such main pipe conduit or other work as aforesaid being in want of repairs the Railway Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid as herein-before provided.

A.D. 1888.

*Wimborne
Minster.*

(d.) The Undertakers shall bear and on demand pay to the Railway Company all costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching lighting and protection of the South-Western Railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary.

(e.) Any difference which may arise between the Railway Company and the Undertakers touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institute of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

(f.) Except as is by this Order otherwise provided this Order or anything herein contained shall not take away lessen or prejudicially affect any of the estates rights interests powers and privileges of the Railway Company.

15. If any difference arise between the Undertakers and any railway canal or other company other than the London and South-Western Railway Company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their conduits or pipes in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other competent person to be appointed by the Board of Trade at the request of either party.

As to pipes
crossing the
works of a
railway or
other company.

Supply.

16. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir authorised by this Order.

Limits of
pressure.

17. The Undertakers shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one water closet) furnish to such owner or occupier a supply sufficient for such

Rates for
supply of
water for
domestic
purposes.

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A.D. 1888. purposes at and after the following rate per annum upon the rateable value of such dwelling-house or part of dwelling-house (that is to say)

*Wimborne
Minster.*

If under 10%.	-	-	-	1s. 6d. in the pound.
If 10% and under 30%.	-	-	-	1s. 5d. „
If 30% and under 50%.	-	-	-	1s. 4d. „
If 50% and under 70%.	-	-	-	1s. 3d. „
If 70% and under 100%.	-	-	-	1s. 2d. „
100% and over	-	-	-	1s. 0d. „

Provided that in the case of any inn or hotel (public or private) the Undertakers may charge one shilling and sixpence in the pound.

Provided also that when the ordinary rate under such scale would be less than twopence per week the Undertakers shall be entitled to charge at the rate of twopence per week and that the Undertakers shall not be entitled in any case to demand a higher water rate for any house or part of a house included in any division of such scale than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter in which the rate accrues.

Rates for
water-closets
and baths.

18. The Undertakers may charge in respect of every water-closet beyond the first one on any premises within the limits of supply an additional sum not exceeding seven shillings per annum and for every fixed bath capable of containing not more than fifty gallons an additional sum not exceeding ten shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such additional sums as the Undertakers may think fit such additional sums to be payable quarterly in advance and to be recoverable in all respects with and as the water rate: Provided that the Undertakers shall not be compelled to supply water for any bath capable of containing more than fifty gallons of water.

Regulations
for preventing
waste of water.

19. Subject to the provisions of this Order the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient and as may be approved by the Local Government Board for preventing the waste misuse or contamination of water and among other things may prescribe the size nature and strength of the pipes cocks cisterns and other apparatus proper and suitable for the purposes of supply: Provided that such regulations shall apply only within the district in which the Undertakers are bound to afford, and do in fact afford, or are prepared on demand to afford, a constant supply.

Publication
of regulations.

20. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Undertakers which copy shall be open to the inspection of all persons at all reasonable times without payment and the Undertakers shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of
regulations.

21. A printed copy of any such regulations purporting to have been made by the Undertakers and to have been approved by the Local Government Board as aforesaid shall be *primâ facie* evidence in all legal proceedings of the due making

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confirmation publication and existence of such regulations without further or other proof. A.D. 1888.

*Wimborne
Minster.*

22. In case of failure of any person to observe any of such regulations as are for the time being in force the Undertakers may if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe cock cistern or other apparatus fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with the requirements of such regulations and the expense of every such repair replacement or alteration shall be repaid to the Undertakers by the person on whose credit the water is supplied and may be recovered by them summarily.

Power for
Undertakers
to repair or
alter pipes, &c.
where regu-
lations not
complied with.

23. The Undertakers may from time to time by agreement supply any body or person within or without the limits of supply with water in bulk for other than domestic purposes for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Undertakers and such body or person but notwithstanding any such agreement no such body or person shall be entitled to a supply of water under any such agreement whenever and as long as the Undertakers are of the opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order and every such agreement shall by virtue of this Order be determinable by the Undertakers on one month's notice in writing. Provided that nothing herein contained shall be construed as conferring any power on the Undertakers in relation to the laying down or placing any pipe or conduit or to the breaking up of any road or street or the execution of any work beyond the limits of supply or as empowering the Undertakers to supply water in any district beyond the limits of supply within the meaning of section 52 of the Public Health Act 1875 or any similar provision.

Power to
supply water
in bulk within
or without
limits of
supply.

24. The Undertakers may if they think fit enter into agreements for the supply of water by measure to any person within the limits of supply and may charge a rent for each meter or other instrument for measuring water provided by them at a rate per annum not exceeding fifteen per centum of the cost of such meter or instrument such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply of
water by
measure.

25. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.

Undertakers
to keep meters,
&c. in repair.

26. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Undertakers. Provided that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs

Register of
meters, &c.
to be evidence.

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When several
houses sup-
plied by one
pipe each to
pay.

of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

27. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of
water to
tenements
in a row.

28. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Injuring
meters.

29. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water, or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers or commits any breach of any authorised regulation against waste misuse or contamination of the water supplied by the Undertakers shall without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending notwithstanding any contract previously existing and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or user as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Misuser
where supply
to several
houses is by a
pipe common
to all.

30. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Order shall for every such offence be liable to a penalty not exceeding five pounds.

Miscellaneous.

A.D. 1888.

31. In case any person supplied with water by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Wimborne Minster.
Incoming tenant not liable to pay arrears.

32. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof or in the schedule thereto several names and several sums.

Several names in one summons.

33. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money and such costs shall be ascertained by such justice and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress to include costs.

34. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to water rate not to disqualify justices, &c. from acting. 8 & 9 Vict. c. 16. s. 140, incorporated.

35. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

36. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of Order.

WORKSOP WATER.

Worksop.

Order empowering the Worksop Waterworks Company to raise additional Capital.

1. This Order may be cited as the "Worksop Waterworks Order 1888."

Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order."

Commencement of Order.

3. The Worksop Waterworks Act 1875 (in this Order referred to as "the Act of 1875") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say) :—

Incorporation of Acts.

The distribution of the capital of the Company into shares.

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Worksop.

The transfer or transmission of shares.

The payment of subscriptions and the means of enforcing the payment of calls.

The forfeiture of shares for non-payment of calls.

The remedies of creditors of the Company against the shareholders.

The borrowing of money by the Company on mortgage or bond.

The conversion of the borrowed money into capital.

The consolidation of the shares into stock.

The general meetings of the Company and the exercise of the right of voting by the shareholders.

The making of dividends.

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested.

And Part I. (relating to cancellation and surrender of shares) and Part II. relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are except where expressly varied by this Order incorporated with and form part of this Order.

For the purposes of such incorporation the term "Special Act" in the said Acts shall mean this Order and the term "the Company" shall mean the Undertakers.

Undertakers.

5. The Worksop Waterworks Company incorporated by the Act of 1875 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional
capital.

6. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1875 (in this Order referred to as "the original capital") they may from time to time :—

(1.) Raise any further sums not exceeding in the whole five thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the additional capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained on the sale thereof as herein-after provided has been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create and issue, under the powers of this Order, any greater nominal amount of capital than will be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of five thousand pounds ; and

(2.) Borrow on mortgage from time to time, in respect of the additional capital of five thousand pounds, by this Order authorised to be raised by the issue of ordinary or preference shares or stock, any sum or sums not exceeding in the whole one-fourth part of the amount payable in respect of any such additional capital at the time actually issued including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed

until shares or stock for so much of the additional capital in respect of which such borrowing powers are sought to be exercised together with the premiums (if any) realised on the sale thereof have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock and premiums (if any) have been fully paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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—
Workshop.

7. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

8. If any money be payable to a shareholder being a minor idiot or lunatic the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Receipt in case of person not sui juris.

9. Except as by this Order otherwise provided the additional capital created by the Undertakers under this Order and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that additional capital were part of the original capital of the Undertakers of the same class or description and the new shares were shares in that capital.

Except as otherwise provided new shares to be subject to the same incidents as other shares.

10. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holder of any other shares or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

New shares or stock to be offered by auction or tender.

11. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such share or stock.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

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Worksop.
Purchase-
money of
capital sold
by auction to
be paid within
three months.
As to notice
to be given as
to sale &c. of
shares and
stock.

12. It shall be one of the conditions of any sale of shares or stock under this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

13. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or
stock not sold
by auction or
by tender to
be offered to
shareholders.

14. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in the manner provided by the Companies Clauses Act 1863: Provided that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order.

Application of
premium
arising on sale
of shares or
stock.

15. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of
dividend on
additional
capital.

16. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on
different
classes of
shares or
stock to be
paid rateably.

17. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers a proportionate deduction shall be made in the dividend of each such class.

Debenture
stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament Orders or resolutions

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by which the stock and mortgages were authorised) and shall have priority over all principal money secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

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19. All mortgages granted by the Undertakers under the authority of the Act of 1875 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Act of 1875 have priority over all mortgages and debenture stock granted or issued under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Existing
mortgages
to have
priority.

20. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Limit of
interest on
moneys
borrowed.

21. Section twelve of the Act of 1875 (as to appointment of a receiver) shall be and the same is hereby repealed as from the commencement of this Order but without prejudice to any appointment theretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

Appointment
of a receiver.

22. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1875 and this Order to which capital is properly applicable.

Application
of money.

23. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Costs of
Order.

London : Printed for HER MAJESTY'S STATIONERY OFFICE,
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
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